

**REPORT - PLANNING COMMISSION MEETING**  
**July 24, 2003**

**Project Name and Number:** Fremont Parent Nurseries (PLN2003-00274 and PLN2003-00275)

**Applicant:** Cynthia Ball for Fremont Parents' Nursery School

**Proposal:** Conditional Use Permits for two State-licensed nursery schools for children from the ages of 2 to 5 years old.

**Recommended Action:** Approve, based on findings and subject to conditions

**Location:** (A) 4600 Carol Avenue at Irvington High School, Irvington Planning Area [PLN2003-00274]; and, (B) 4200 Alder Avenue at Oliveira Elementary School, Centerville Planning Area [PLN2003-00275].

**Assessor Parcel Number:** (A) 525-0960-008-02; and,  
(B) 501-0232-001-02

**Area:** (A) 0.46 acres, more or less, portion of parcel above-identified; and,  
(B) 0.25 acres, more or less, portion of parcel above identified.

**Owner:** Fremont Unified School District (both locations)

**Agent of Applicant:** Roger Shanks, Bunton Clifford Associates, Inc.

**Consultant(s):** Bunton Clifford Associates

**Environmental Review:** The projects are both categorically exempt under the California Environmental Quality Act (CEQA) per Section 15301, Existing Facilities.

**Existing General Plan:** Low Density Residential (5-7 DU/AC)

**Existing Zoning:** R-1-6, Single-family Residence District

**Existing Land Use:** (A) Public high school; and,  
(B) Public elementary school

**Public Hearing Notice:** Public hearing notification is applicable. A combined total of 330 notices were mailed to owners and occupants of property within 300 feet of both sites including, but not limited to, the following streets: Perkins Street, Oak Street, Laredo Drive, Polvorosa Court, Alder Terrace, Robin Street, Blacow Road, Chapel Way, Aline Street, Grimmer Boulevard, among others. The notices to owners and occupants were mailed on July 13, 2003. A Public Hearing Notice was delivered to The Argus on July 9, 2003, to be published by July 14, 2003.

**Executive Summary:** The applicant requests approval of two Conditional Use Permits to allow Fremont Parents' Nursery School (FPNS) to continue to operate two nonprofit nursery schools for children ages 2 to 5 years old. FPNS is a nonprofit group that has been in business for more than 40 years. As a result of the State's budget crises, the Fremont Unified School District discontinued funding of FPNS' operation. The severed affiliation with the public entity requires that FPNS apply for and receive approval of Conditional Use Permits to continue the operation of the nursery schools at the Irvington High and Oliveira Elementary school campuses. Both projects will not involve any remodeling or improvements, except for those improvements necessary to satisfy building and fire code requirements. Both nursery schools will continue to operate within existing buildings, with each containing dedicated play areas and parking located onsite.

**Background and Previous Actions:** FPNS indicates that it started operation in 1962 at the old Nile's Sportsman Club and later at the St. John's Episcopal Church until March of 1963. Due to adverse circumstances, FPNS approached the Fremont Unified School District (FUSD) that year in search of a new location in hopes of finding a permanent location with

a facility sufficient in size. FUSD agreed to lease FPNS a 0.46-acre portion of Irvington High School property to FPNS for the nursery school. In 1970, FPNS opened its second nursery school campus on a 0.25-acre portion of the Oliveira Elementary School property. (See Informational "1")

**Project Description:** FPNS requests Conditional Use Permits to continue to operate nursery schools on the Irvington High School and Oliveira Elementary School sites. The nursery school operations at both sites will remain the same as in the past. FPNS indicates that there have been no incidents of complaints from the adjacent neighborhoods regarding the operation of the facilities. According to FPNS, there is no increase in the number of sessions or children attending both facilities. Parking has not been an issue in the past, as streets fronting both establishment provide for additional on-street parking, if necessary. Staff summarizes the two separate operations below.

Nursery School at 4600 Carol Avenue, Irvington High School (PLN2003-00274)

FPNS proposes to continue to operate a nursery school for up to a maximum of 24 children in two sessions per day for children ages 2 to 5 at this location, based on the table below.

<b>FPNS Nursery School at 4600 Carol Avenue (Irvington High School—Irrington Campus)</b>				
<b>Class Group</b>	<b>Number of Adults (Parents, plus 1 teacher)</b>	<b>Number of kids</b>	<b>Days</b>	<b>Session Time</b>
<b>B Group</b> (Children age 2 yrs. by September 1st)	9	24	Monday/Wednesday/ Friday	9:15-11:45 a.m.
<b>C Group</b> (Children age 3 yrs. 9 mos. by September 1 <sup>st</sup> )	7	24	Monday/Tuesday Thursday/ Friday	12:15-2:45 p.m.

The children, parent volunteers and one Teacher/Director will be accommodated within an existing 1,563 square foot building on a .046-acre portion of the Irvington High School site. Hours of operation for each day will vary as described in the above table, generally from 12:15 p.m. to 2:45 p.m., Monday through Friday. A large existing play area (play structures, sand boxes, and swings) approximately 9,464 square feet in size is contained onsite as well as an existing parking lot with 5 spaces (one space will be made ADA compliant) within the front area of the site. Additional parking is available on both sides of Carol Avenue (rear side of Irvington High School). Entrance into the parking area will be via an existing 24-foot wide driveway off of Carol Avenue. No improvements are proposed, except for those requiring compliance with building and fire regulations.

Nursery School at 4200 Alder Street (PLN2003-00275)

FPNS proposes to continue to operate its second nursery school for up to a maximum of 24 children in four sessions per day for children ages 2 to 5 at this location, based on the table below.

<b>FPNS Nursery School at 4200 Alder Avenue (Oliveira Elementary School—Centerville Campus)</b>				
<b>Class Group</b>	<b>Number of Adults (Parents, plus 1 teacher)</b>	<b>Number of kids</b>	<b>Days</b>	<b>Session Time</b>
<b>Little D Group</b> (Children age 2 yrs. by September 1st)	25	24	Wednesday	12:15-2:45 p.m.
<b>D Group</b> (Children age 2 yrs. 9 mos. by September 1st)	13	24	Tuesday/Thursday	9:15-11:45 a.m.
<b>E Group</b> (Children age 3 yrs. 9 mos. by September 1 <sup>st</sup> )	9	24	Monday/Wednesday/ Friday	9:15-11:45 a.m.

<b>F Group</b> (Children age 3 yrs. 9 mos. by September 1 <sup>st</sup> )	7	24	Monday/Tuesday/ Thursday/Friday	12:15-2:45 p.m.
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At this site, the children, parent volunteers and Teacher/Director is accommodated by a facility that is 1,600 square feet in size on a 0.25-acre portion of the Oliveira Elementary School site. The facility contains approximately 7,356 square feet of play area (play barn and structures, sandbox, and swings) and a parking lot with 11 parking spaces having access via an existing 24-foot wide driveway off of Alder Avenue. Additional on-street parking is available on both sides of Alder Avenue. Hours of operation are generally the same as the other facility, from 9:15 a.m. to 2:45 p.m., Monday through Friday.

### Project Analysis:

**General Plan Conformance:** The General Plan land use designation for both project sites is Low Density Residential. Although the primary use of this designation is single-family residential, the proposed use specifically implements General Plan Policy LU1.1 which recognizes nursery schools as allowed uses with conditions established to limit the impacts on residents. Accordingly, the Conditional Use Permits requested would establish conditions which ensure impacts on adjacent residents are kept to a minimal.

**Zoning Regulations:** The current zoning designation for both project sites is R-1-6, Single-family Residence District, which conforms to the existing General Plan land use designation. The proposed use is a conditionally permitted use in the zoning district.

- **Parking:** Fremont's parking ordinance requires three spaces, plus one space for each ten children over a capacity of 15, which equates to a minimum of four parking spaces for each site. Both sites comply with this minimum parking standards. At the Irvington High School (Carol Avenue) site five existing parking spaces are located onsite (one ADA accessible). The Oliveira Elementary School nursery school site contains ten existing parking spaces (one ADA accessible).
- **Circulation/Access Analysis:** An existing 24-foot wide driveway from Carol Avenue provides access to the nursery school at the Irvington High School site. Similarly, a 24-foot wide driveway from Alder Avenue provides access to the nursery school at the Oliveira Elementary School site. At both sites, ingress and egress is accomplished through either by right or left turns.

**Waste Management:** This project involves a use that is subject to the provisions of the California Integrated Waste Management Act of 1989 (AB939). The Act requires that 50% of the waste generated in the City of Fremont be diverted from landfill sites by the year 2000. The applicant shall be required to continue to maintain trash/recycling enclosures for both sites to fulfill said requirements.

**Environmental Analysis:** Both project sites are categorically exempt under the California Environmental Quality Act (CEQA) per Section 15301, Existing Facilities.

**Response from Agencies and Organizations:** No comments have been received to date.

**Enclosures:** PLN2003-00274 Exhibit "A" (Site plan, Floor plan and Vicinity map)  
PLN2003-00275 Exhibit "A" (Site plan, Floor plan and Vicinity map)

**Exhibits:** PLN2003-00274 Exhibit "A" (Site plan, Floor plan and Vicinity map)  
PLN2003-00275 Exhibit "A" (Site plan, Floor plan and Vicinity map)  
Exhibit "B" (Findings and Conditions of Approval)

**Informational:** Informational "1" (Applicant's Statement of Operation)

### Recommended Actions for PLN2003-00274:

1. Hold public hearing.
2. Find PLN2003-00274 is categorically exempt under CEQA per Section 15301, Existing Facilities.
3. Find PLN2003-00274 is in conformance with the relevant provisions contained in the City's existing General Plan. These provisions include the designations, goals and policies set forth in the General Plan's Land Use Chapter as enumerated within the staff report.
4. Approve PLN2003-00274, as shown on PLN2003-00274 Exhibit "A", subject to findings and conditions in Exhibit "B".

**Recommended Actions for PLN2003-00275:**

1. Hold public hearing.
2. Find PLN2003-00275 is categorically exempt under CEQA per Section 15301, Existing Facilities.
3. Find PLN2003-00275 is in conformance with the relevant provisions contained in the City's existing General Plan. These provisions include the designations, goals and policies set forth in the General Plan's Land Use Chapter as enumerated within the staff report.
4. Approve PLN2003-00275, as shown on PLN2003-00275 Exhibit "A", subject to findings and conditions in Exhibit "B".

**EXHIBIT "B"**  
**Conditions of Approval for Fremont Parents' Nursery School**  
**Nursery Schools at 4600 Carol Avenue and 4200 Alder Avenue**  
**(PLN2003-00274 and PLN2003-00275, respectively)**

**FINDINGS:**

1. The nursery school use is consistent with the General Plan designation for both sites in that nursery schools are conditionally permitted uses on properties designated Low Density Residential on the General Plan land use diagram.
2. Both sites are suitable and adequate for the proposed uses because both nursery school operations conform to requirements established in the Zoning Ordinance and are subject to conditions of approval contained herein that will ensure that the uses do not have an adverse impact on their affected sites.
3. The proposed use at both sites would not have a substantial adverse effect on vehicular (including bicycle) or pedestrian circulation or safety, on transit accessibility, on the planned level of service of the street system or on other public facilities or services because all existing conditions onsite as well as their respective surroundings are completely improved. Sufficient parking is provided, points of ingress-egress are properly located, and adequate fire fighting equipment access and facilities are available for both sites.
4. The estimated economic effect of the proposed use on nearby uses is not adverse because the proposed buildings located on both sites exist and have been in operation as nursery schools for more than thirty-three years (40 years for the Irvington High School site).
5. The proposed use would not be detrimental to the general welfare of persons residing in the immediate vicinity, the neighborhood, or the community at large because both nursery schools are properly regulated with adequate parking, would not create nuisances or degrade the environment and is designed to limit impacts on surrounding residents.
6. Both project sites are compatible with existing and proposed development in the district and its surroundings because the uses are operated within existing school buildings.

**CONDITIONS:**

**General Conditions (Must be satisfied on an ongoing basis)**

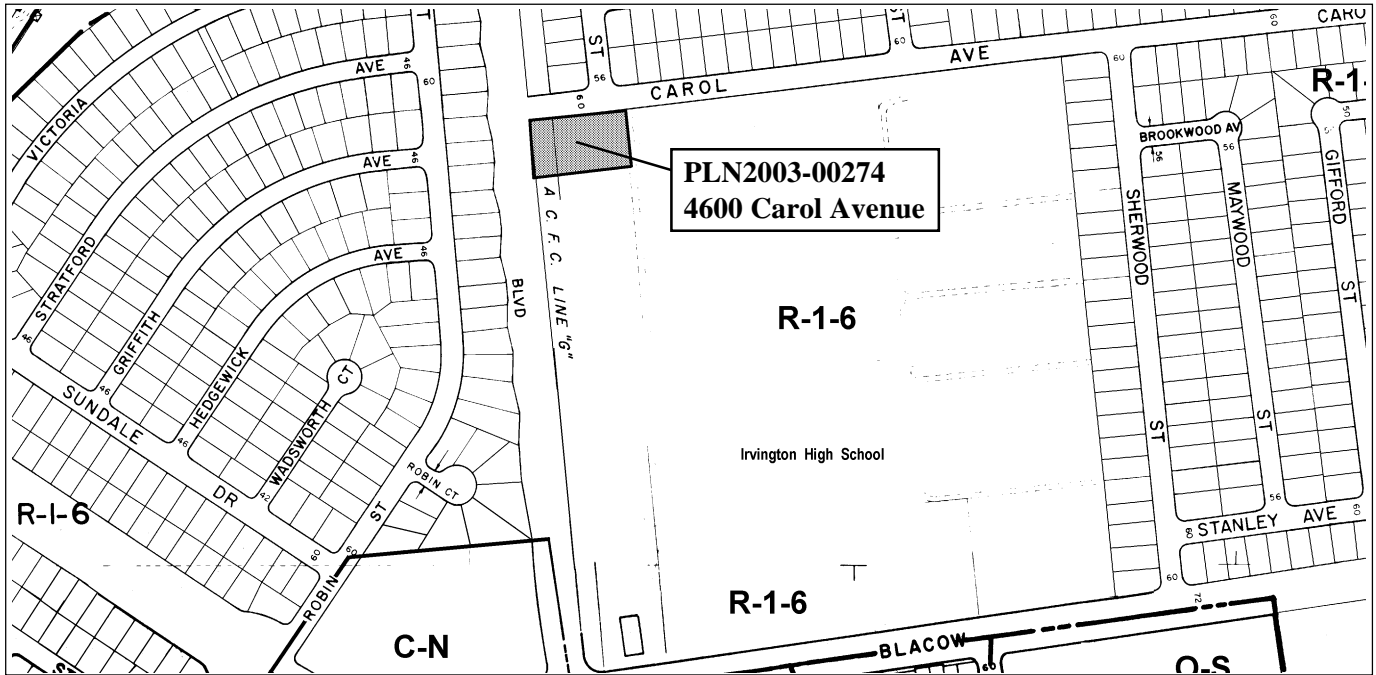
- A-1 Approval of PLN2003-00274 and PLN2003-00275 shall conform to their respective Exhibit "A" (Site plan, Floor plan and Vicinity map), and all conditions of approval set forth herein.
- A-2 Minor modifications to the times of operation, as well as the building design/location, and other elements of the Exhibit "A" may be allowed, subject to the approval of the Planning Director, if such modifications are in keeping with the use intent, and layout design of the original approval.
- A-3 The Planning Director is authorized to issue a Conditional Use Permit for each site, if, within two years, a building permit is completed in satisfying applicable building and fire requirements, and the Planning Director determines that all conditions required to be fulfilled prior to issuance of the use permit have been satisfied.
- A-4 If the Planning Director finds evidence that conditions of approval have not been fulfilled or that the use or uses has or have resulted in a substantial adverse effect on the health, and/or general welfare of users of adjacent or proximate property, or have a substantial adverse impact on public facilities or services, Planning Director may refer the Conditional Use Permit to the Planning Commission for review. If, upon such review, the Commission finds that any of the results above have occurred, the Commission may modify or revoke the use permit.

- A-5 A minimum of four parking spaces shall be maintained onsite at all times at each site. Should the Planning Director find that additional parking spaces are required, the applicant shall take the appropriate measures to increase the number of parking spaces at each site. This may require the applicant to relocate or remove storage sheds or other appurtenances to increase the area for off-street parking.
- A-6 The applicant shall maintain adequate trash/recycling areas for the uses at each site.
- A-7 The number of children attending each session shall not exceed 24 children, except that, subject to the review and approval by the Planning Director, this number may be increased in accordance with building and fire code requirements if the applicant demonstrates that additional parking can be created or is currently met for such increase.
- A-8 The hours of operation for both sites shall generally be from 9:00 a.m. to 3 p.m.
- A-9 The operation of each nursery school facility shall be in full compliance with and subject to all licensing requirements of the State of California and any applicable Federal law (i.e., the Department of Education licensing and operation requirements). If the Planning Director finds evidence that the operation of the nursery school facility at either site is not in compliance with state or federal licensing requirements, he/she may refer the Conditional Use Permit to the Planning Commission for review. If, upon such review, the Commission finds non-compliance with state or federal licensing requirements, the Commission may modify or revoke the use permit.
- A-10 Fencing enclosing the facility and the children's play areas shall be maintained at all times.
- A-11 The vehicular gate shall be kept open during all hours of operation. All parking areas shall be maintained to provide parking for staff (teacher/director and parent volunteers) and parents dropping off their children.
- A-12 The applicant shall provide parents/guardians with a written advisory and diagram that details the protocols for entering, dropping-off, picking up, parking and exiting the site. Parents/guardians shall acknowledge (in writing) that they have read and will abide by the provisions of the advisory.

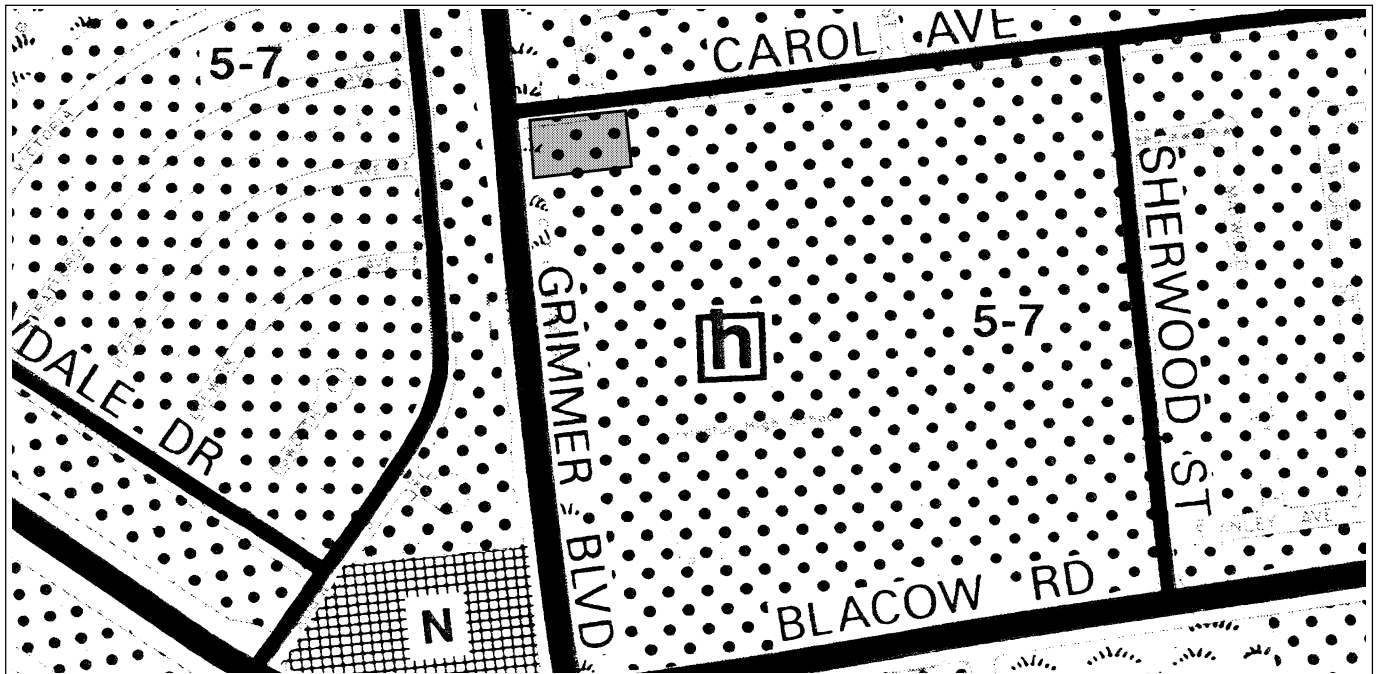
***Prior to issuance of Conditional Use Permit (following conditions must be satisfied)***

- B-1 The applicant shall provide the Planning Division or Project Planner a copy of the State license authorizing operation of a nursery school facility at each site.
- B-2 The applicant shall obtain building permits necessary to upgrade the existing facility and site to satisfy all applicable local, state and federal building and fire code requirements prior to rendering school services.

# INFORMATIONAL



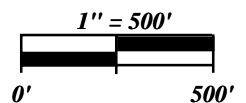
Existing Zoning



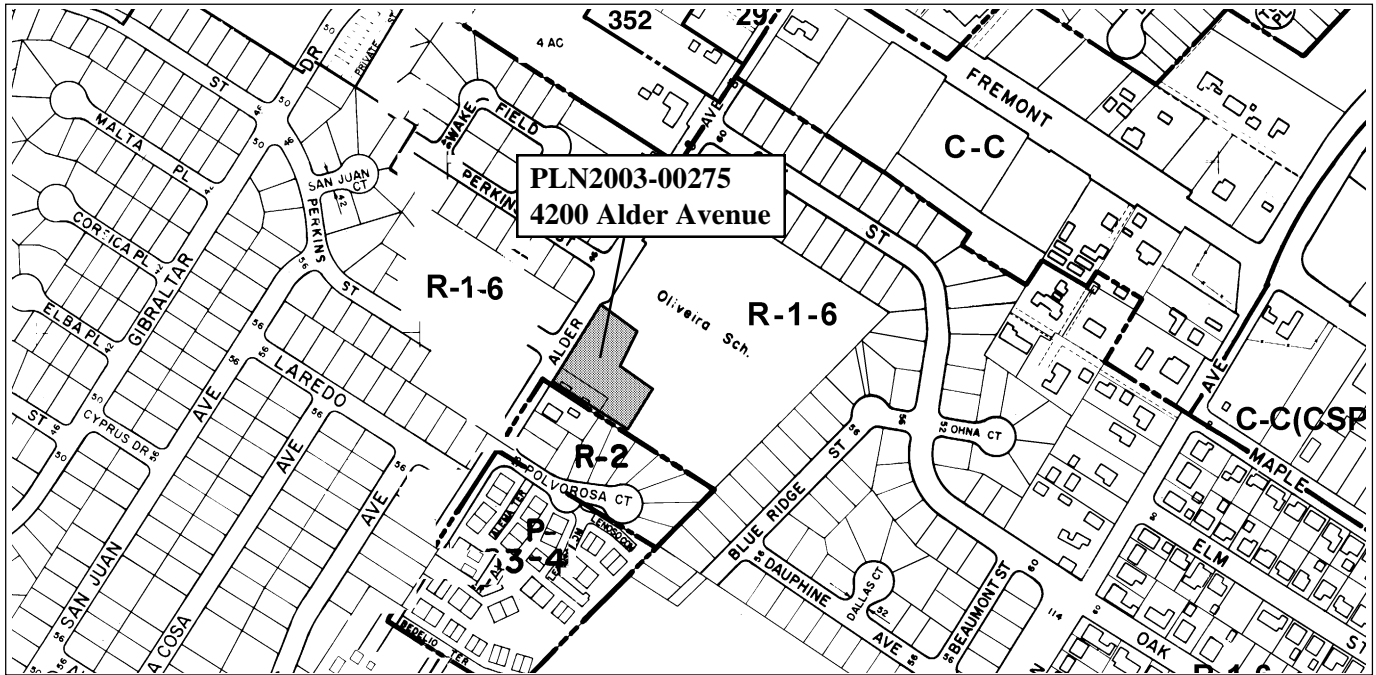
Existing General Plan

**Project Number:** PLN2003-00274 (CUP)  
**Project Name:** Fremont Parents Nursery School  
**Project Description:** To consider a Conditional Use Permit for a nursery school located at Irvington High School, 4600 Carol Avenue. This project is categorically exempt from CEQA review per Section 15332, In-Fill Development Projects.

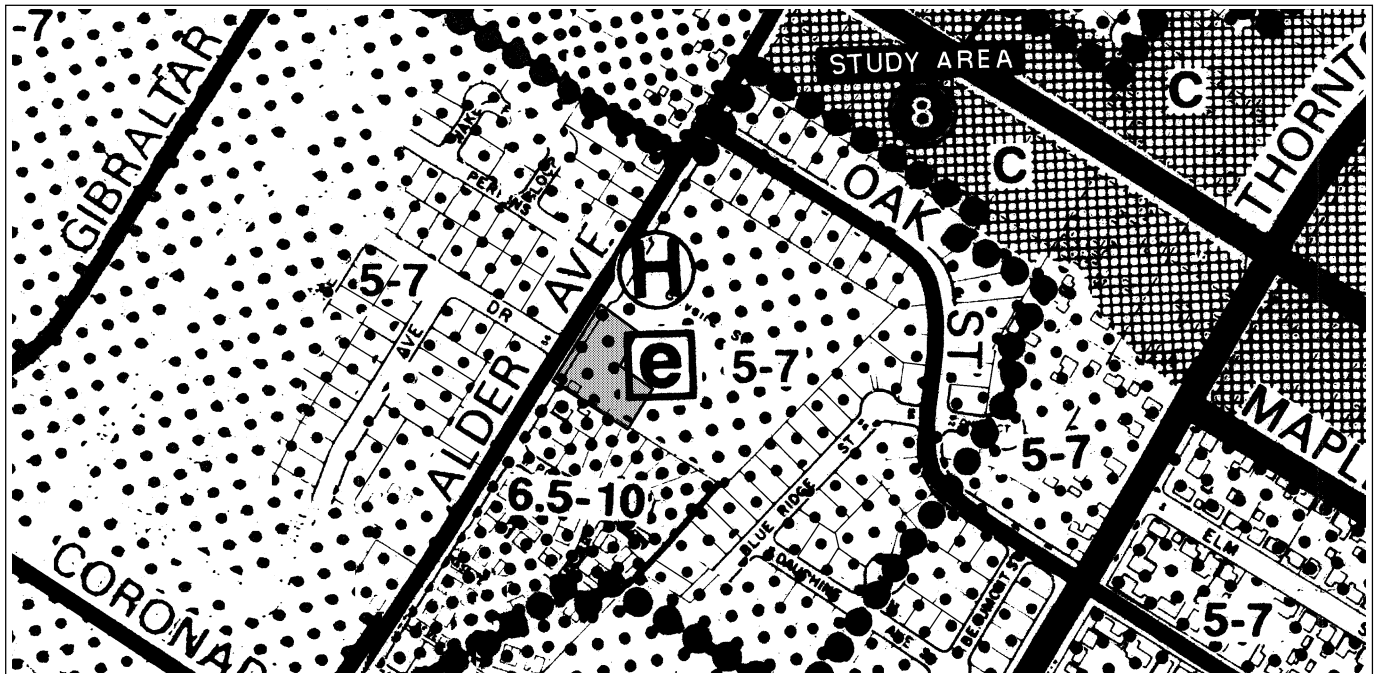
**Note:** Prior arrangements for access are not required for this site.



# INFORMATIONAL



Existing Zoning



Existing General Plan

**Project Number:** PLN2003-00275 (CUP)  
**Project Name:** Fremont Parents Nursery School  
**Project Description:** To consider a Conditional Use Permit for a nursery school located at OliveiraElementary School, 4200 Alder Avenue. This project is categorically exempt from CEQA review per Section 15332, In- Fill Development Projects.

**Note:** Prior arrangements for access are not required for this site.

